IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24252 of 2004

Between:

Smt. K. Sri Devi, W/o. Krishna Rao, Fair Price Shop Dealer,
R/o. Venkatapuram Village, Vajrapukotturu Mandal, Srikakulam District.

..... PETITIONER

AND

1 Deputy Tahsildar (Civil Supplies) Palasa Mandal, Srikakulam

District.
2 Mandal Revenue Officer, Vajrapukotturu Mandal, Srikakulam

District.
3 Revenue Divisional Officer, Tekkali, Srikakulam District.
4 Joint Collector, Srikakulam District, Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue any appropriate Writ, Order or direction preferably a writ in the nature of Writ of Mandamus, declaring the Letter No. 3006/2004 A dt. 26.11.2004 issued by the 4th respondent as being arbitrary, illegal, violative of principles of natural justice and violative of Article 14 of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner:MR.M.VISWANADHAM

Counsel for the Respondents 1 to 4: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner is the dealer in respect of a fair price shop of Venkatapuram village, Vajrapukotturu mandal, Srikakulam district. The third respondent suspended her authorization through proceedings dated 26.11.2004 alleging that she is running the shop benami and that the kerosene is being sold at a higher price. The petitioner claims to have preferred an appeal, together with an application for grant of stay, before the fourth respondent, against the order of suspension. Her grievance is that no orders have been passed so far by the fourth respondent and she seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

On the allegation that the petitioner is running the fair price shop benami and selling the kerosene at the rate of Rs.10/- per liter, the third respondent suspended her authorization. The appeal preferred by the petitioner, together with an application for grant of stay, is pending before the fourth respondent. It cannot be said as of now that there was undue delay on the part of the fourth respondent in disposing of the appeal or stay petition. However, if any arrangements are made in the meanwhile, the very purpose of the petitioner in preferring the appeal would be defeated.

Having regard to the facts that the charge against the petitioner is that she is running the shop benami and that she is selling the kerosene at Rs.10/- per liter, it cannot be said that they are so serious as to warrant suspension. No

specific instances are cited. The petitioner is eking out her livelihood by running the fair price shop.

Hence, the writ petition is disposed of directing that the order of suspension passed against the petitioner shall remain stayed till the fourth respondent passes an order on the application for stay or in the appeal itself. There shall be no order as to costs.

27.12.2004

Note:

Issue CC in three days.

(BO)

ksld

To

1 The Deputy Tahsildar (Civil Supploies) Palasa Mandal, Srikakulam

District.
2 The Mandal Revenue Officer, Vajrapukotturu Mandal, Srikakulam

District.
3 The Revenue Divisional Officer, Tekkali, Srikakulam District.
4 The Joint Collector, Srikakulam District, Srikakulam.

5 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hydeabad (OUT)

6 Two CD copies.